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Dated: 1/5/06

Signature:

K. Bastarache
(Kathleen Bastarache)

Docket No.: VASG-P01-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Reddy et al.

Application No.: 10/800,350

Confirmation No.: 2293

Filed: March 12, 2004

Art Unit: 1642

For: POLYPEPTIDE COMPOUNDS FOR
INHIBITING ANGIOGENESIS AND TUMOR
GROWTH

Examiner: Sean E. Aeder

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This reply is being filed in response to the outstanding Restriction Requirement, mailed October 6, 2005, in connection with the above application. A petition for a two-month extension of time and appropriate fees are filed concurrently herewith.

In response, Applicants hereby elect, with traverse, the claims of Group III (claims 26-34) drawn to an antagonist antibody which binds to an extracellular domain of an EphB4 protein and inhibits an activity of EphB4. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions. Applicants traverse the restriction requirement for the reasons which follow.

Applicants note that according to MPEP § 803, two criteria must be met for a proper restriction requirement:

- a. The inventions must be independent or distinct as claimed; and
- b. There must be a serious burden on the Examiner if restriction is required.